

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JERRY B. FORD and DEPARTMENT OF THE ARMY,
FIRE & EMERGENCY SERVICES, Fort Eustis, VA

*Docket No. 00-2426; Submitted on the Record;
Issued June 18, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained a low back injury while in the performance of duty.

On April 25, 2000 appellant, then a 44-year-old fire fighter, filed a claim asserting that he injured his lower back that day while collecting his bunker gear. On May 18, 2000 the Office of Workers' Compensation Programs requested that appellant submit medical evidence to support his claim, including a physician's medical explanation of how the reported work incident caused or aggravated the claimed medical condition. The Office advised appellant that this medical explanation was crucial to his claim and that it would hold his case open for 30 days for him to submit the evidence.

In a decision dated June 27, 2000, the Office denied appellant's claim. The Office found that the case file was devoid of any medical evidence to support that appellant suffered a diagnosed medical condition as a result of his federal employment.

The Board finds that appellant has not met his burden of proof to establish that he sustained a low back injury on April 25, 2000 while in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.²

¹ 5 U.S.C. §§ 8101-8193.

² See generally *John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); see also 5 U.S.C. § 8101(5) ("injury" defined).

There appears to be no dispute in this case that appellant collected his bunker gear on the morning of April 25, 2000. The question for determination, therefore, is whether this incident caused or contributed to a low back injury.

Causal relationship is a medical issue,³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁴ must be one of reasonable medical certainty⁵ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁶

The Office correctly advised appellant that a physician's explanation was crucial to his claim. Because appellant submitted no reasoned medical opinion evidence to support that collecting his bunker gear on April 25, 2000 caused or aggravated a diagnosed medical condition, he has failed to meet his burden of proof.⁷

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). The Board therefore has no jurisdiction to review the medical evidence appellant submitted with his appeal. The Board's September 25, 2000 letter to appellant explains how he may have this evidence considered by the Office.

The June 27, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
June 18, 2001

Michael J. Walsh
Chairman

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member